

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6337

BILL NUMBER: HB 1052

DATE PREPARED: Nov 14, 2001

BILL AMENDED:

SUBJECT: Various Property Matters.

FISCAL ANALYST: Valerie Ruda; Chris Baker

PHONE NUMBER: 232-9867; 232-9851

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

(A) This bill specifies that if a rental agreement is terminated, the security deposit must be returned to the tenant within 45 days after the termination of the rental agreement.

(B) This bill removes a prohibition against appealing the decision of a court in eminent domain proceedings involving municipalities when the court rehears the matter of the assessment de novo and confirms, lowers, or increases the assessment.

(C) The bill also repeals provisions restricting the rights of aliens to hold and convey property in Indiana.

Effective Date: July 1, 2002.

Explanation of State Expenditures: (A) No Fiscal Impact.

(B) A minimal fiscal impact could occur if slightly more appeals were heard by the State Court of Appeals. However, Article 7-6 of the State Constitution states that the court of appeals must "provide in all cases an absolute right to one appeal." It is likely, given the State Constitution guarantee of one appeal, little to no change in filings would occur.

Background: Filing fees for an appeal with either the State Court of Appeals or the Indiana Supreme Court are \$250. A \$125 fee exists for case transfers from the Court of Appeals to the Supreme Court. Additionally, the Supreme Court requires a \$125 fee for filing an original action in the Supreme Court. In FY 2001, \$357,527 in court fees were collected by the Court of Appeals and the Supreme Court.

Explanation of State Revenues: (C) It is likely a minimal fiscal impact would occur from the repeal of these

provisions. The Equal Protection Clause of the United States Constitution could void this statute if challenged. It is likely neither of these provisions are currently being enforced.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Indiana Court of Appeals, Indiana Supreme Court, Office of the Attorney General.

Local Agencies Affected: County Circuit and Superior Courts.

Information Sources: Indiana Auditor of State *Budget Revenue Trial Balance 6/30/01*.